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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,435	12/23/1999	MICHAEL J. MCTAGUE	INTL-0296-US	7390
21906	7590	09/06/2006	EXAMINER	
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			TRAN, KHANH C	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

09/471,435

Examiner

Khanh Tran

Applicant(s)

MCTAGUE ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Decision of Board Of Patent Appeals And Interferences (BPAI) mailed on 08/28/06.
2. ☒ The allowed claim(s) is/are 1,3-7,9-15,17-28 and 30, which have been renumbered as set forth in the Office action.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date ____     | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other ____.   |

1. The decision of Board Of Patent Appeals And Interferences (BPAI) has been mailed on 08/28/2006. The BPAI reversed the rejection of claims 1, 3-7, 9-15, 17-28 and 30.

2. Claims have been renumbered as shown below, respectively:

claims 3-4 renumbered as claims 2-3;

claims 5-6 renumbered as claims 4-5;

claim 7 renumbered as claim 6;

claims 9-11 renumbered as claims 7-9;

claims 12-13 renumbered as claims 10-11;

claims 14-15 renumbered as claims 12-13;

claims 17-19 renumbered as claims 14-16;

claims 20-22 renumbered as claims 17-19;

claims 23-24 renumbered as claims 20-21;

claims 26-27 renumbered as claims 22-23; and

claims 25, 28 and 30 renumbered as claims 24-26

### ***Reasons for Allowance***

3. Regarding claim 1, claim is allowable after the BPAI found that the combination of Kanekawa and Yukutake teachings would not have suggested to the

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ordinary skilled artisan to teach the claimed limitations “a device contained in said integrated circuit and coupled to said analog-to-digital converter, said device reducing the higher data rate data from the analog-to-digital converter to a lower data rate data” and “a multiplexer to multiplex said lower data rate data and control information and transmit said data and control information externally of said integrated circuit”.

4. Regarding claim 12, claim is allowable after the BPAI found that the combination of Kanekawa, Yukutake and Isaksson teachings would not have suggested to the ordinary skilled artisan to teach the claimed limitations “a device contained in said circuit and coupled to said analog-to-digital converter, said device reducing the higher data rate data from the analog-to-digital converter to a lower data rate data” and “a multiplexer to multiplex said lower data rate data and control information and transmit said data and control information externally of said integrated circuit”.

5. Claim 14 is allowable for the similar reasons as stated in claim 1 above in which the combination of Kanekawa and Yukutake teachings would not have suggested to the ordinary skilled artisan to teach the claimed limitations “decreasing the data rate of said data” and “transmitting said data to a second integrated circuit device within the modem”.

6. Claim 23 is allowable for the similar reasons as stated in claim 1 above in which the combination of Kanekawa and Yukutake teachings would not have suggested

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to the ordinary skilled artisan to teach the claimed limitations "a device to reduce the data rate from the analog-to-digital converter to a lower data rate data and a serializer to multiplex said lower data rate data with control information" and "serializer to transmit said lower data rate data from said first integrated circuit to said second integrated circuit".

### **Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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KCT

*Khanh Cong Tran*

09/05/2006

Primary Examiner

KHANH TRAN